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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,241	09/18/2000	Eric M. Silberstein	IDIK-001; 55692-012	4412

7590 09/10/2004
Toby H Kusmer
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EXAMINER

MANIWANG, JOSEPH R

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/665,241

Applicant(s)

SILBERSTEIN ET AL.

Examiner

Joseph R Maniwang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-15 and 17-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-15 and 17-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Drawings

The drawings were received on 06/01/04. These drawings are accepted.

Claim Rejections - 35 USC § 102

2. Claims 1, 2, 8-14, and 19-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Challenger et al (U.S. Pat. No. 6,026,413), hereinafter referred to as Challenger.

3. Challenger disclosed a method and system for updating dynamic web pages. Links between web pages and data (objects) were provided by specifying dependencies between objects (see column 3, lines 23-27). Objects were updated according to these links (see column 4, lines 13-15 and 37-40).

Dependencies were maintained by a cache manager residing on a storage device (see column 8, lines 54-65). Challenger disclosed the possibility of scheduling updates (see column 28, line 66 through column 29, line 5). Updating of objects could also occur by first deciding whether or not to initiate the updating process by scanning the object dependencies for changes (see column 28, lines 58-65). Dependencies could inherit fields, such as "version_num", from other dependencies (see column 19, lines 44-52 and 56-62). Challenger disclosed

both the ability to copy objects (see column 18, lines 36-39; column 20, lines 26-28), and also to translate one object to another, where new portions of attributes were merged with existing ones (see column 19, lines 52-55). Challenger disclosed the ability to selectively update certain caches (see column 21, lines 41-43). Challenger disclosed storing object dependencies in a data structure accessible through an application programming interface (see column 9, lines 56-38), thus providing a level of abstraction to the data structures as claimed. Challenger disclosed the ability to have co-dependencies between a set of objects, associating a change within one set to affect the value of all objects in the other set (see column 3, lines 19-22). In addition to this type of grouping where objects were treated at a common level, dependencies could be arranged in a hierarchical fashion (see column 3, lines 29-31).

4. Claims 1, 2, 9-14, and 19-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Allen et al (U.S. Pat. No. 5,675,802), hereinafter referred to as Allen.

5. Allen disclosed a system and method for updating files across distributed software development sites. Allen disclosed using a versioned object base (VOB) as a data repository to store file objects (see column 6, lines 17-28). Allen also disclosed organizing file objects into trees (see column 5, lines 29-30; column 6, lines 41-48; and column 7, lines 1-9). In this way, file objects were linked, and such links were used as the basis for how file objects were updated (see column 9, lines 45-58). Allen disclosed performing updates periodically (see

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column 5, line 66 through column 6, line 3; column 8, lines 13-15; column 9, lines 9-11). Allen disclosed the use of an "exchanger" which ensured the proper order of operations in the updating process, thus providing updates through a workflow (see column 9, lines 25-46). Allen disclosed the use of meta-data associated with an object, which could be written to by the object replica that mastered the file (see column 8, lines 54-57). Thus, inheritance of properties was disclosed by Allen as claimed. Allen disclosed using mastership rules to dictate selective updating of branches (see column 8, lines 33-45). Allen disclosed organizing VOBs into trees to appear as an ordinary file system, thus providing an abstraction layer (see column 6, lines 49-58). Allen disclosed the ability to create multiple sub-branches, or groups of objects depending on the same source, and then later merging the two branches into one (see column 7, lines 10-22). Thus, object target branches could be grouped, and later updated by related branches through the links they had by sharing a common source.

6. Claims 1-3, 10-15, 20-23, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Baxter et al. (U.S. Pat. No. 6,356,903), hereinafter referred to as Baxter.

7. Baxter disclosed a content management system for updating webpages. Content data and target components of the pages were linked through associations (see column 2, lines 12-24; column 6, lines 25-27; column 7, lines 17-18; column 12, lines 28-37), which were stored within the system (see column 15, lines 27-29), and governed how updates would be made (see column 4, lines

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65-67). Baxter disclosed performing updates at predetermined time intervals (see column 12, lines 22-27; column 13, lines 17-20; column 15, lines 19-24), on demand (see column 2, lines 1-11; column 15, lines 45-55), or by initiating a review process (workflow) through the use of triggers, which scanned website content items and updated as necessary (see column 6, lines 24-25; column 7, lines 18-20; column 15, lines 11-18; column 18, lines 35-50). Baxter disclosed using sections within each page to reference certain content data, thus providing for selective modification to parts of webpages (see column 6, lines 22-23 and 53-62). Baxter disclosed the use of a web interface application for handling webpage assembly requests, thus providing an abstraction layer (see column 6, lines 4-11). Baxter disclosed grouping target customers into a test group and sending relevant content associated with the test group (see column 17, lines 15-48).

8. ~~Claims 1, 3, 5-7, 10-13, 15, 17, 20-22, 24, and 25 are rejected under 35~~
~~U.S.C. 102(e) as being anticipated by Lakritz (U.S. Pat. No. 6,623,529),~~
hereinafter referred to as Lakritz.

9. Lakritz disclosed a system for updating language specific webpages. Lakritz disclosed associating source master site data with target templates, storing content data and language preferences in a database/file system (see column 5, lines 6-18). Updates were made on demand by the manager to initiate a workflow (see column 9, lines 16-20, 48-53; column 13, lines 15-20), which guided the update process (see column 8, line 64 through column 9, line 9).

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Lakritz disclosed first translating source documents into an "internal format" (see column 9, lines 48-53; column 11, lines 36-39), which was used to produce the final target document (see column 11, lines 57-60), thus providing an intermediate source or buffer data as claimed. Lakritz disclosed building websites incrementally, allowing for selective modification of content within in a site (see column 6, lines 21-34). Lakritz disclosed a "manager's console" to serve as a user interface to control translation processes, thus providing an abstraction layer as claimed (see column 9, lines 10-15; column 10, lines 13-18). Lakritz disclosed grouping target users sites and source content into hierarchical regions to provide accurate linking between country and language (see column 6, lines 35-49).

Claim Rejections - 35 USC § 103

10. Claims 1-3, 5-15, and 17-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toh et al. (U.S. Pat. No. 6,128,652), hereinafter referred to as Toh, and further in view of Challenger et al (U.S. Pat. No. 6,026,413), hereinafter referred to as Challenger.

11. Toh disclosed a system for updating data objects over a network. Toh disclosed linking stored data objects to remote sources to be updated automatically (see column 1, line 65 through column 2, line 2). The "LiveSever" disclosed by Toh scanned a cache to determine if an update was necessary (see column 2, lines 7-27). Objects from the source were copied onto a proxy server (see column 4, lines 8-11, 23-26), and could be updated on demand (see column

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4, lines 31-33) or by a Resource Updater, which served to initiate a workflow for updating LivePlayers connected to the LiveServer (see column 4, lines 37-43; column 7, lines 11-34). Toh further disclosed an application program interface (API) for communicating to the LivePlayer, thus providing an abstraction layer as claimed (see column 5, lines 41-43).

12. While Toh disclosed using a cache for serving data objects to a user, Toh only provided a broad description of the cache. Toh did not mention details such as link properties, or how data objects might be grouped within the cache. Toh did however recognize a shortcoming of networking technology to include unstructured data, which would most likely contribute to the other problems described by Toh, such as slow and unreliable data retrieval (see column 1, lines 26-29). It was a further desire of Toh to determine if data was outdated in order to provide up-to-date data (see column 1, lines 56-59; column 2, lines 18-23).

This would have led one of ordinary skill in the art to search related art for possible ways to structure a cache in an organized and efficient manner.

13. In a related art of caching and updating network data, Challenger disclosed a method and system for updating dynamic web pages. Links between web pages and data (objects) were provided by specifying dependencies between objects (see column 3, lines 23-27). Objects were updated according to these links (see column 4, lines 13-15 and 37-40). Dependencies were maintained by a cache manager residing on a storage device (see column 8, lines 54-65). Dependencies could inherit fields from other dependencies (see column 19, lines 44-52 and 56-62). Challenger disclosed the ability to have co-

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dependencies between a set of objects, associating a change within one set to affect the value of all objects in the other set (see column 3, lines 19-22). In addition to this type of grouping where objects were treated at a common level, dependencies could be arranged in a hierarchical fashion (see column 3, lines 29-31). Challenger also recognized the problem of determining when cache objects are rendered obsolete, and sought to solve this through specifying dependencies between the objects within the cache (see column 2, lines 1-3, 59-61; column 3, lines 23-28, 39-44). Thus, Challenger disclosed an organized cache structure wherein outdated objects could be determined easily.

It was a desire of Toh to provide up-to-date data from a cache (see column 1, lines 56-59; column 2, lines 18-23), and to further overcome the problems associated with unstructured data in a network (see column 1, lines 26-29).

Challenger disclosed a structured cache in which data objects could be easily determined to be obsolete (see column 3, lines 23-28, 39-44). Since Toh sought to overcome the problems associated with unstructured data, and further sought to easily determine which data were outdated within a cache, it would have been obvious to one of ordinary skill in the art to combine the teachings of Toh and Challenger, as Challenger disclosed a structured cache from which it could be easily determined how obsolete an object was, thus benefiting the goals desired by Toh.

Claim Objections

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14. Claim 7 is objected to because of the following informalities: claim 7 is objected to for depending on cancelled claim 4. Dependent claim 7 relies on a cancelled claim and is thus of improper form. Appropriate correction is required.

Response to Arguments

15. Applicant's arguments filed 06/01/04 have been fully considered but they are not persuasive.

16. Regarding claims 23 and 24 rejected under 35 U.S.C. 122(2), Examiner accepts Applicant's amendments to overcome this rejection. The rejection has been withdrawn.

17. Regarding claims 1, 2, 8-14, and 19-25 rejected under 35 U.S.C. 102(e) as anticipated by Challenger, Applicant asserts that the reference fails to disclose element (d) of claims 1 and 13 relating to initiating a workflow to update target data items according to the links. However, Examiner submits that Challenger does disclose the broad concept of initiating a workflow. A workflow relates to nothing more than a process of executing or scheduling tasks on a computer. As noted in the above rejection, Challenger disclosed the possibility of scheduling updates to web pages (see column 28, line 66 through column 29, line 5). As such, Challenger disclosed the use of a workflow for updating target content as claimed. Additionally, Applicant attempts to distinguish between the characteristics of a workflow and the teachings of the reference. In response to

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applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Applicant's description of a workflow from the specification) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

18. Regarding claims 1, 2, 9-14, and 19-25 rejected under 35 U.S.C. 102(b) as anticipated by Allen, Applicant asserts that the reference fails to disclose element (d) of claims 1 and 13 relating to initiating a workflow to update target data items according to the links. However, Examiner submits that Allen does disclose the broad concept of initiating a workflow. A workflow relates to nothing more than a process of executing or scheduling tasks on a computer. As noted in the above rejection and acknowledged by Applicant, Allen disclosed the use of an "exchanger" for providing updates (see column 9, lines 25-46). Although Applicant attempts to distinguish between a workflow and the exchanger of Allen by pointing out that the exchanger merely stored a set of differences between versions of data, Applicant has failed to consider that the stored changes in the data were both timestamped and replayed in order during the updating process (see column 9, lines 39-41; column 10, lines 23-40). The temporal quality of these changes provided a sequence in which the changes were to occur and thus defined the broad concept of a workflow. Additionally, in response to applicant's argument that the references fail to show certain features of

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applicant's invention, it is noted that the features upon which applicant relies (i.e., Applicant's description of a workflow from the specification) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

19. Regarding claims 1-3, 10-15, 20-23 and 25 rejected under 35 U.S.C. 102(e) as anticipated by Baxter, Applicant asserts that the reference fails to disclose element (d) of claims 1 and 13 relating to initiating a workflow to update target data items according to the links. However, Examiner submits that Baxter does disclose the broad concept of initiating a workflow. A workflow relates to nothing more than a process of executing or scheduling tasks on a computer. As noted in the above rejection, Baxter disclosed a process of receiving a trigger condition, and initiating a review process in response to the trigger (see column 6, lines 24-25; column 7, lines 18-20; column 15, lines 11-18; column 18, lines 35-50). Examiner submits that this sequential trigger and review process reads upon the broad concept of a workflow. Additionally, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Applicant's description of a workflow from the specification) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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20. Regarding claims 1, 3, 5-7, 10-13, 15, 17, 20-22, 24, and 25 rejected under 35 U.S.C. 102(e) as anticipated by Lakritz, Applicant asserts that the reference fails to disclose element (d) of claims 1 and 13 relating to initiating a workflow to update target data items according to the links. However, as noted in the above rejection, Examiner submits that Lakritz undoubtedly disclosed the limitation of initiating a workflow to update target data items as claimed (see column 9, lines 10-40; column 13, lines 28-31). Additionally, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Applicant's description of a workflow from the specification) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

21. Regarding claims 1-3, 5-15, and 17-25 rejected under 35 U.S.C. 103(a) as unpatentable over Toh in view of Challenger, Applicant asserts that the reference fails to disclose element (d) of claims 1 and 13 relating to initiating a workflow to update target data items according to the links. However, Examiner submits that the references do disclose the broad concept of initiating a workflow. A workflow relates to nothing more than a process of executing or scheduling tasks on a computer. As noted above, Challenger reads upon this broad concept. Additionally, Toh disclosed a sequential process for updating target data,

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comprising a check for modifications to data, retrieving modified data, rendering the data, and transmitting the data (see column 8, lines 36-65), thus also disclosing the broad concept of a workflow. Furthermore, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Applicant's description of a workflow from the specification) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

22. Additionally, Applicant traverses the rejection of several individual dependent claims.

23. Regarding claims 5-7 and 17 rejected under 35 U.S.C. 102(e) as anticipated by Lakritz, Applicant asserts that the "internal format" of Lakritz is different from the limitations as claimed. However, Examiner submits that the "internal format" of Lakritz reads upon the broad concept of the middle source node described by the Applicant. Additionally, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., access to a "middle source node") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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24. Regarding claims 8, 9, 18, and 19 rejected under 35 U.S.C. 102(e) as anticipated by Challenger, Applicant traverses the rejection using details from the specification. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., links that store buffer data content) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The links disclosed by Challenger, although described by the Applicant as simply pointers, still read upon the claimed limitations which do not mention buffer data content items.

25. Regarding claims 9 and 19 rejected under 35 U.S.C. 102(b) as anticipated by Allen, Applicant asserts that the property inheritance described by Allen differs from that of the Applicant in that there is a novel difference in the Applicant's invention of creating of new links based on existing links. Examiner submits that Allen also discloses the broad concept of creating new links based on existing links, as Allen disclosed creating replicas of file branches (see column 8, lines 33-67). Additionally, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., creation of new links based on existing links) are not recited in the rejected claim(s). Although the claims are interpreted in light of the

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specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

26. Regarding claims 11 and 21, Applicant asserts that none of the references teach operating on an abstraction layer that interfaces to a data store. However, as noted in the above rejections, each of the references undoubtedly teaches an abstraction layer for representing the data used in the system. Specifically, Challenger disclosed an API for accessing data structures (see column 9, lines 56-38), Allen disclosed organizing object trees to appear as a file system (see column 6, lines 49-58), Baxter disclosed the use of a web interface application (see column 6, lines 4-11), and Lakritz disclosed a user interface (see column 9, lines 10-15; column 10, lines 13-18), all of which are understood by one of ordinary skill in the art to provide a layer of abstraction for accessing data, thus meeting the limitation as claimed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory

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action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R Maniwang whose telephone number is (703) 305-3179 [Crystal City], (571) 272-3928 [Alexandria]. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A Cuchlinski can be reached on (703)308-3873 [Crystal City], (571) 272-3925 [Alexandria]. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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JM



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